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A Measuring Device
US Patent Application No. 10/526,460

Dear Sir/Madam

I am not sure if this is the correct address to write to – I'd appreciate if you could redirect as necessary.

I am writing to you regarding the report - an Office Action in which all of the claims re my above application number are rejected by the Examiner, citing six Patent No's in particular for this decision.

I have had time to review each of these in detail and believe that each is substantially different in its construction and use, from my device

I have made some notes on the claims which were cited and I have listed the differences between these and my application. (These notes you will find in what I titled Section 1 below).

I also believe that the claims in my application may, in hindsight have been too general and vague in their wording – I have detailed below possible rewording of these claims in Section 2 below.

Section 1

In response to your comments regarding my claims please see my comments:

Claim 14

You argue that this was anticipated by Goldman , however Goldman did not have a hinged 90 degree coupling, but instead an independent attachment to fit on a standard rigid end hook, and a hinged finger guard tab on the tape casing. So 90 degree coupling hinged at zero point on scale could not be anticipated by Goldman.

Even if lower section of Goldman did hinge it is not fixed at 90 degrees to upper section to fit into corner and upper and lower parts do not move each other into required position as tape is offered up to work.

Claim 15

With Goldman only upper part of coupling is hinged at free end of the elongate member. Upper and lower parts would have hinged independently IF lower part hinged.

Claim 16

Only perpendicular to one another when the first section (60) is folded down and not in use. They are coplanar when (60) is in use but both perpendicular to the elongate member.

Claim 17

Yes , but end hook is standard rigid 90 degree hook as on a standard tape which does not hinge. Anchor on Goldman does not form part of hinge.

Claim 18

Goldman coupling is substantially flat with slight concave surface which hinges about the axis independently of hook 34. My invention comprises 90 degree coupling which forms equivalent of hook 34 when folded in one direction but in which upper and lower hinge together as one.

Claim 20

Only the upper coupling is displaceable in Goldman tape. Also in my tape holes in the coupling correspond with the position of the rivets where required, to allow 90 degree rotation.

Claim 21

This is a generic claim used by all

Claim 23

Again, only the upper coupling is hinged with Goldman.

Claim 24

This is standard for all tapes.

Regarding your comments in relation to Ten Caat et al.

Claim 14

The coupling (3,4,7,9), described by Ten Caat et al, all hinge independently as substantially flat plates and part (9), and so will not form a rigid 90 degree coupling, as does my tape, and so will not readily fit into a corner.

Claim 17

Anchor is substantially different as it does not form the inner section of hinge to permanent 90 degree coupling, rather it is base for various independent sections.

Claim 18

Ten caat et al coupling consists of individual plates which are substantially flat, rather than single 90 degree coupling with inner and outer surfaces, and radius around corner, made to be at zero point of scale when required, as anchor slides in and out on rivets to allow for thickness of plate sections, as known in prior art.

Claim 19

Ten caat et al show four independent parts where plates are substantially flat, plus elongate member to hinge independently of each other (fig 2).
Seamus Grealy shows one anchor to elongate member which forms inner part of hinge to 90 degree coupling which hinges about anchor.

Claim 22

Backing plate (4) referred to by Ten caat et al is known in prior art, but forms a reinforcement at the rivets

Section 2

Rework of Claims- 14-24 incl. Changes in bold

Claim 14 (new)

A measuring device comprising an elongate member; and a coupling in operative association with the elongate member, the coupling comprising a first section and a second section, wherein the first section and the second section are rigidly coupled to each other at 90 degrees relative to one another, the coupling being adapted to rotatably hinge to said elongate member, about an axis which lies substantially parallel to a transverse axis of the elongate member, between a first state in which the first section is disposed substantially parallel to a longitudinal axis of the elongate member, to a second state in which the second section is disposed substantially parallel to the longitudinal axis of the elongate member.

Claim 15(new)

A measuring device according to Claim 14 wherein the axis about which the coupling is hinged lies substantially contiguous with a free end of the elongate member, while allowing for the inside or the outside surface of the first or second section, and the radius of the coupling to be at a zero point on the scale as required.

Claim 16(new)

A measuring device according to Claim 14 wherein the first section and the second section are disposed permanently substantially perpendicular to one another.

Claim 17(new)

A measuring device according to Claim 14 wherein the coupling is secured to the elongate member by means of an anchor, which forms the inner part of a hinge to the coupling.

Claim 18(new)

A measuring device according to Claim 17 comprising a pin arranged to secure the coupling to the anchor, the pin defining the axis about which the coupling is hinged, and the centre point of a radius between the first section and the second section.

Claim 19(new)

A measuring device according to Claim 18 in which one or other of the coupling or anchor has a pair of spaced apart collars, while the other of the coupling or anchor has a single collar shaped and dimensioned to be seated between the pair of spaced apart collars, wherein the pin passes through the three collars in order to secure the coupling to the anchor.

Note : Ten Caat et al describes holes in independent plate shaped parts which allow these plate shaped parts to hinge independently of each other and must do so for accurate use. Rathbun describes a single plate hinged down only.

Claim 20(new)

A measuring device according to Claim 14 wherein the coupling is displaceable, in the direction of the longitudinal axis of the elongate member, a distance substantially equal to a first state wherein the first section is 90 degrees above the elongate member to a second state where the second section is 90 degrees below the elongate member.

Claim 21(new)

A measuring device according to Claim 14 wherein the elongate member comprises a tape having measuring indicia thereon.

Note : this is standard for all measuring tapes.

Claim 22(new)

A measuring device according to Claim 17 further comprising a backing plate secured, through the elongate member, to the anchor.

Note : this is known in prior art.

Claim 23(new)

A measuring device according to Claim 14, with a 90 degree coupling, wherein a transition from the first section to the second section has a radius of curvature whose centre corresponds to the axis about which the coupling is hinged.

Claim 24(new)

A measuring device according to Claim 14 further comprising a housing into which the elongate member is retractable.

Note : this is known in prior art and is standard casing for a measuring tape.

I would be grateful if you could review these notes and advise your opinion . Also please let me know the likely costs involved in pursuing this. I can be contacted directly on the number listed below.

Best regards,

Seamus Greally

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